

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1644

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Application of: Rittershaus and Thomas  
Serial No.: 09/529,762  
Filed: April 18, 2000  
Entitled: XENOGENEIC CHOLESTERYL ESTER  
TRANSFER PROTEIN (CETP) FOR  
MODULATION OF CETP ACTIVITY

ART UNIT: 1644

EXAMINER: Huynh

Atty. Docket No.: TCS-420.1P US

Asst. Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

Transmitted herewith are: [X] an Information Disclosure Statement; [X] a modified Form 1449; and [X] a return postcard.

FEE FOR ADDITIONAL CLAIMS

[X] A fee for additional claims is not required.

[ ] A fee for additional claims is required. The additional fee has been calculated as shown below:

	TOTAL CLAIMS	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXCESS CLAIMS	RATE	FEES DUE
TOTAL CLAIMS	---	---	0	× \$---	= 0.00
INDEPENDENT	---	---	0	× \$---	= 0.00
FIRST INTRODUCTION OF MULT. DEPENDENT CLAIM				+\$---	= 0.00
TOTAL FEES DUE					= 00.00

[X] Small entity status has already been established for Applicant(s) in this case.

PAYMENT OF ADDITIONAL FEES

[ ] A check in the amount of \$ 00.00 in payment of the fee for additional claims is transmitted herewith.

[ ] A check including the amount of \$ 00.00 in payment of the fee under 37 CFR §1.18(a) for issuing an original patent.

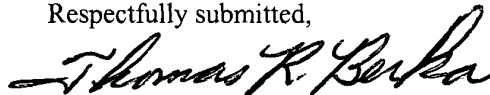
[ ] A check including the amount of \$ 00.00 in payment of the fee under 37 CFR §1.19(a)(1)(i) for 0 printed copies of patent charged at \$3.00 per copy.

- [X] The Commissioner is hereby authorized to charge payment of any additional fees required under 37 CFR 1.16 or 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268. A duplicate copy of this transmittal letter is transmitted herewith.

PETITION FOR EXTENSION OF TIME

- [ ] Extension is requested under 37 CFR 1.136(a), and the following extension fee is applicable for the paper(s) filed herewith: [ ] \$55.00 for response within first month pursuant to 37 CFR 1.17(a)(1);  
[ ] \$195.00 for response within second month pursuant to 37 CFR 1.17(a)(2);  
[ ] \$445.00 for response within third month pursuant to 37 CFR 1.17(a)(3);  
[ ] \$695.00 for response within fourth month pursuant to 37 CFR 1.17(a)(4).  
[ ] \$945.00 for response within fifth month pursuant to 37 CFR 1.17(a)(5).
- [ ] Total amount of payment in connection with the paper(s) transmitted herewith is \$ 00.00.  
{check no. --}
- [X] The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268.

Respectfully submitted,

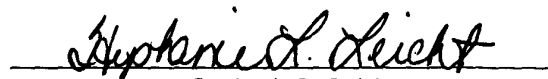


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**CERTIFICATE OF MAILING**

The undersigned hereby certifies that this correspondence is being deposited with the U.S. Postal Service as first class mail, in an envelope addressed to the Asst. Commissioner for Patents, Washington, DC 20231, on the date indicated below.

July 27, 2001  
Date of mailing and signature

  
Stephanie L. Leicht

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P#5

Attorney Docket No.: TCS-420.1P US

Assistant Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98**

Dear Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants submit this Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.97 and 1.98 in the above-identified application for consideration by the Patent Office.

A modified Form PTO-1449 listing the cited documents is also enclosed, as well as, for the Examiner's convenience, copies of the documents. This Statement is being submitted before the first Office Action on the merits. Pursuant to 37 C.F.R. § 1.97(b)(3), no fee is believed to be required with this submission.

**Foreign Patent Documents**

WO 96/34888, published November 7, 1996, Rittershaus and Thomas;

WO 97/41227, published November 6, 1997, Thomas;

WO 99/15655, published April 1, 1999, Needleman and Glenn;

**Other Publications**

Albers et al., *Arteriosclerosis*, 4: 49-58 (1984);

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Bisgaier et al., *J. Lipid Res.*, 32: 21-23 (1991);

Breslow et al., *Proc. Natl. Acad. Sci. USA*, 90: 8314-8318 (1993);

Brown et al., *Nature*, 342: 448-451 (1989);

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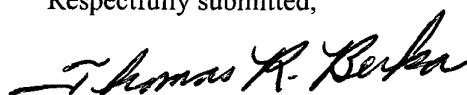
- Day et al., *J. Biol. Chem.*, 269: 9388-91 (1994);
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- Physician's Desk Reference, 49th ed., (Medical Economics Data Production Co., Mont Vale, New Jersey, 1995), pp. 1628, 2371 (referring to hepatitis B vaccine), pp. 1501, 1573, 1575 (referring to measles, mumps, and/or rubella vaccines), pp. 904, 919, 1247, 1257, 1289, 1293, 2363 (referring to diphtheria, tetanus and/or pertussis vaccines);
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Zannis et al., "Genetic mutations affecting human lipoproteins, their receptors, and their enzymes", in Advances in Human Genetics, Vol. 21, pp. 145-319 (Plenum Press, New York, 1993).

Applicants do not intend to represent that any of the documents submitted herein is material to the patentability of the claimed invention or that the list represents an exhaustive search of documents related to this invention.

Applicants respectfully request that the documents submitted herein be considered and made of record in this application.

Respectfully submitted,

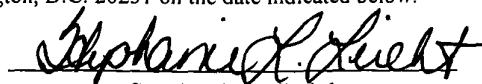


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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Priority mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on the date indicated below.

July 27, 2001  
Date

  
Stephanie L. Leicht